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Victor H. Segura
Schlumberger Technology Corporation
Sugar Land Product Center
200 Gillingham Lane MD 200-9
Sugar Land, TX 77478

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OFFICE OF PETITIONS

In re Application of :
Philip Head et al. :
Application No. 10/522,116 :
Filed: January 24, 2005 : **DECISION ON PETITION**
Attorney Docket No. US21.1268 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 25, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 26, 2007. A Notice of Abandonment was mailed on January 28, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment after non-final, (2) the petition fee of \$1540, and (3) a proper statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the application. However, in accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3672 for appropriate action by the Examiner in the normal course of business on the reply received February 25, 2008.


Andrea Smith

Petitions Examiner
Office of Petitions